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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,077	11/21/2003	Edward C. McGlaughlin	QN1069.US	2263
7590	05/16/2005		EXAMINER	
Tejinder Singh Klein, O'Neill & Singh, LLP Suite 510 2 Park Plaza Irvine, CA 92614			LAU, TUNG S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

57M

Office Action Summary	Application No. 10/719,077	Applicant(s) MCGLAUGHLIN ET AL.	
	Examiner Tung S. Lau	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>See office action</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. Information Disclosure Statement filed on 10-18-2004 is acknowledged by the examiner; A copy (6 pages) of a signed PTO-1449 attached with this office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Ho (U.S. Patent 6,597,777).

Regarding claim 1:

Ho discloses a system for monitoring at least one event and detecting at least one indicator that precedes a failure in a storage area network (abstract), comprising: a switch element having that detects when a fibre a port monitoring module channel port link indicator varies from a threshold value for the fibre channel port link indicator (fig. 2a-2g, abstract, Col. 2-3, Lines 61-50).

Regarding claim 5:

Ho discloses a system for monitoring at least one event and detecting at least one indicator that precedes a failure in a storage area network (abstract), comprising: a fabric monitoring module that detects when a remote fabric switch

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and a local fabric switch cannot exchange information and then sends a message to a threshold monitoring module (fig. 2a-2g, abstract, Col. 2-3, Lines 61-50).

Regarding claim 7:

Ho discloses a system for monitoring at least one event and detecting at least one indicator that precedes an failure in a storage area network (abstract), comprising: a chassis monitoring module (fig. 1, unit 102, 103) that detects when an indicator varies from a threshold value and notifies a threshold monitoring module of the variation (fig. 2a-2g, abstract, Col. 2-3, Lines 61-50, fig. 7, unit 707).

Regarding claim 10:

Ho discloses a system for monitoring at least one event and detecting at least one indicator that precedes a failure in a storage area network (abstract), comprising: a threshold monitoring module that receives a message at least one monitoring agent indicating if an indicator varies from a threshold value (Col. 2-3, Lines 61-50), and in response to the message, the threshold monitoring module coordinates an event (Col. 2-3, Lines 61-50).

Regarding claim 17:

Ho discloses a method for monitoring at least one event and detecting at least one indicator that precedes a failure in a storage area network (abstract), comprising: monitoring at least one event by using at least one monitoring agent in a fabric switch (Fig. 1, unit 101); comparing an indicator value to a threshold

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value corresponding to the indicator (Col. 2-3, Lines 61-50); and notifying a threshold monitoring module the parameter value varies from the threshold value (Col. 2-3, Lines 61-50).

Regarding claim 21:

Ho discloses a system for notifying a computing system of an indicator that precedes a failure in a storage area network (abstract), comprising: least one monitoring module that monitors an indicator that can result in a failure in the storage area network (Col. 2-3, Lines 61-50); and a threshold monitoring module that compares the indicator to a threshold value and coordinates an event if the indicator value varies from the threshold value (Col. 2-3, Lines 61-50).

Regarding claim 2, Ho further discloses the port monitoring module sends a message to a performance monitoring module to process an event when the fibre channel port link indicator varies from the threshold value (Col. 2-3, Lines 61-50);

Regarding claim 3, Ho further discloses the performance monitoring module may notify a host computer when the fibre channel port link indicator varies from the threshold value (Col. 2-3, Lines 61-50); Regarding claim 4, Ho further discloses

the fibre channel port whose port link indicator varies from the threshold value

may be taken off-line (fig. 10, unit 1011); Regarding claim 6, Ho further discloses

a host system is notified that the remote and the local fabric switch cannot

exchange information (Col. 2-3, Lines 61-50); Regarding claim 8, Ho further

discloses host computer is notified of the variation (Col. 2-3, Lines 61-50);

Regarding claim 9, Ho further discloses a remote fabric switch is notified of the

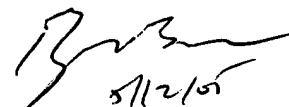
variation (Col. 2, Lines 41-49); Regarding claim 11, Ho further discloses threshold value store in table (fig. 10, unit 1013); Regarding claims 13, 22, Ho further discloses value are updated (fig. 10, unit 1013); Regarding claims 12, 23, Ho further discloses the monitoring agent includes a Chassis monitoring module (fig. 1, unit 103), a fabric monitoring module (fig. 1, unit 101), a port monitoring module (fig. 1, unit 106), and/or a Nx-port event monitoring module;); Regarding claim 14, Ho further discloses the threshold monitoring module notifies an event response module when an indicator value varies from a threshold value (Col. 2-3, Lines 61-50); Regarding claim 15, Ho further discloses generated in response to the notification based on event table (fig. 10, unit 1013, Col. 2, Lines 9-49); Regarding claims 16, 20, Ho further discloses the event response module may notify a host computer of the variation (Col. 3, Lines 9-49); Regarding claims 18, 24, Ho further discloses consolidating plural threshold variations and notifying an event response module of the variations (Col. 3, Lines 9-49, fig. 10, unit 1013); Regarding claim 19, Ho further discloses generating events in response to a threshold variation (Col. 3, Lines 9-49); Regarding claim 25, Ho further discloses the port monitoring module sends a message to the threshold monitoring module to process an event when a fibre channel port link indicator varies from the threshold value (Col. 3, Lines 9-49); Regarding claim 26, Ho further discloses the fabric monitoring module detects when a remote fabric switch and a local fabric switch cannot exchange information and then sends a message to the threshold monitoring module (Col. 3, Lines 9-49).

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

BRYAN RUI
PRIMARY EXAMINER



5/12/05